

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA

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SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

ANGELO A. ALLECA, SUMMIT  
WEALTH MANAGEMENT, INC.,  
SUMMIT INVESTMENT FUND, LP,  
ASSET DIVERSIFICATION FUND, LP,  
and PRIVATE CREDIT  
OPPORTUNITIES FUND, LLC

Defendants.

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Civil Action No.  
1:12-CV-3261-ELR

**Receiver's Report Regarding the Status of the Case  
and Assets or Funds the Receiver is Attempting to Obtain**

Pursuant to this Court's Order of February 2, 2022 [Doc. 224], Robert D. Terry, the Receiver appointed by Order of this Court dated September 21, 2012, files this Report to describe the current status of the case, and whether there are additional assets or funds the Receiver is attempting to obtain.

In May, 2018, pursuant to Order of this Court, the Receiver distributed approximately \$1,360,000 to approximately 144 claimants who were creditors of Summit Wealth Management, Inc., ("Summit") and who

were victimized by the fraudulent Ponzi scheme of Angelo Alleca, the President of Summit.

On May 10, 2018, the Receiver submitted his Second Application for Compensation and Reimbursement of Expenses, which was granted on January 14, 2019.

Since his filing of the Motion for Compensation, the substantial activities of the Receiver and his counsel have related to the litigation relating to the validity of the assignment to Carrie Mistina, a former employee of Summit, of a promissory note (the "Note") from Alexandria Capital, a Virginia-based investment advisor, to Summit.

On July 13, 2018, Carrie Mistina, moved to intervene in this matter and filed an objection to the settlement negotiated between the Receiver and Alexandria Capital (the "Settlement") regarding collection of the Note, which was the subject of the Motion to Approve Settlement filed by the Receiver on November 20, 2017. On October 28, 2019, this Court approved the Settlement (the "Settlement Approval Order") [Doc. 177].

On November 19, 2019, Mistina appealed the Settlement Approval Order to the Eleventh Circuit Court of Appeals. On October 19, 2020, the matter was remanded by the Eleventh Circuit to this Court to determine whether the purported assignment of the Note by Summit to Mistina was

properly considered by the Receiver to be a fraudulent conveyance (the "Second Order"). On April 13, 2021, an evidentiary hearing was conducted by the Court, and on September 9, 2021 this Court entered an Order [Doc. 218] finding that the Note assignment was a fraudulent conveyance.

On October 5, 2021, Mistina appealed the Second Order to the Eleventh Circuit Court of Appeals. The Receiver's brief in response to Mistina's appeal and brief is due on February 22, 2022.

The Note that is the subject of the above-referenced litigation is one of three (3) remaining assets in the Receivership estate. The value of the Note to the Estate, if any, cannot be determined and/or distributed until the resolution of the appeal currently pending in the Eleventh Circuit.

The other two remaining assets are 1) cash in the amount of \$171,049.14, held in the Receivership bank account, and 2) a life insurance policy in the face amount of \$250,000 insuring the life of a former key employee of Summit. It is the intention of the Receiver to secure a competitive bid for the value of the life settlement represented by the policy at such time as the Mistina case is concluded (in the event the policy benefit has not been paid).

Once the appeal related to the Second Order is resolved and a final determination is made on the Settlement, the Receiver plans on winding

down the Receivership by filing a final fee petition and seeking approval to make a final distribution and close out the Receivership.

Respectfully submitted this 14<sup>th</sup> day of February, 2022.

/s/ Robert D. Terry

Robert D. Terry  
Georgia Bar No. 702606  
*Receiver*

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**CERTIFICATE OF SERVICE**

I certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notice of electronic filing to counsel of record.

This 14<sup>th</sup> day of February, 2022.

/s/ Pratt Davis

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